

House Engrossed

FILED

**JANICE K. BREWER
SECRETARY OF STATE**

State of Arizona
House of Representatives
Forty-eighth Legislature
Second Regular Session
2008

CHAPTER 154

HOUSE BILL 2793

AN ACT

AMENDING SECTION 16-411, ARIZONA REVISED STATUTES; RELATING TO ELECTION
PRECINCTS AND POLLING PLACES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 16-411, Arizona Revised Statutes, is amended to
3 read:

4 16-411. Designation of election precincts and polling places;
5 electioneering; wait times

6 A. EXCEPT AS PRESCRIBED BY SUBSECTION J OF THIS SECTION, the board of
7 supervisors of each county, on or before December 1 of each year preceding
8 the year of a general election, by an order, shall establish a convenient
9 number of election precincts in the county and define the boundaries of the
10 precincts. Such election precinct boundaries shall be so established as
11 included within election districts prescribed by law for elected officers of
12 the state and its political subdivisions including community college district
13 precincts, except those elected officers provided for in titles 30 and 48.

14 B. Not less than twenty days before a general or primary election, and
15 at least ten days before a special election, the board shall designate one
16 polling place within each precinct where the election shall be held. Upon a
17 specific finding of the board, included in the order or resolution
18 designating polling places pursuant to this subsection, that no suitable
19 polling place is available within a precinct, a polling place for such
20 precinct may be designated within an adjacent precinct. Adjacent precincts
21 may be combined if boundaries so established are included in election
22 districts prescribed by law for state elected officials and political
23 subdivisions including community college districts but not including elected
24 officials prescribed by titles 30 and 48. The officer in charge of elections
25 may also split a precinct for administrative purposes. Any such polling
26 places shall be listed in separate sections of the order or resolution.

27 C. If the board fails to designate the place for holding the election,
28 or if it cannot be held at or about the place designated, the justice of the
29 peace in the precinct, two days before the election, by an order, copies of
30 which he shall immediately post in three public places in the precinct, shall
31 designate the place within the precinct for holding the election. If there
32 is no justice of the peace in the precinct, or if the justice of the peace
33 fails to do so, the election board of the precinct shall designate and give
34 notice of the place within the precinct of holding the election. For any
35 election in which there are no candidates for elected office appearing on the
36 ballot, the board may consolidate polling places and precinct boards and may
37 consolidate the tabulation of results for that election if all of the
38 following apply:

39 1. All affected voters are notified by mail of the change at least
40 thirty-three days before the election.

41 2. Notice of the change in polling places includes notice of the new
42 voting location, notice of the hours for voting on election day and notice of
43 the telephone number to call for voter assistance.

44 3. All affected voters receive information on early voting that
45 includes the application used to request an early voting ballot.

1 D. The board is not required to designate a polling place for special
2 district mail ballot elections held pursuant to article 8.1 of this chapter,
3 but the board may designate one or more sites for voters to deposit marked
4 ballots until 7:00 p.m. on the day of the election.

5 E. Except as provided in subsection F of this section, a public school
6 shall provide sufficient space for use as a polling place for any city,
7 county or state election when requested by the officer in charge of
8 elections.

9 F. The principal of the school may deny a request to provide space for
10 use as a polling place for any city, county or state election if, within two
11 weeks after a request has been made, ~~he~~ THE PRINCIPAL provides a written
12 statement indicating a reason the election cannot be held in the school,
13 including any of the following:

14 1. Space is not available at the school.

15 2. The safety or welfare of the children would be jeopardized.

16 G. The board shall make available to the public as a public record a
17 list of the polling places for all precincts in which the election is to be
18 held including identification of polling place changes that were submitted to
19 the United States department of justice for approval.

20 H. Except in the case of an emergency, any facility that is used as a
21 polling place on election day shall allow persons to electioneer and engage
22 in other political activity outside of the seventy-five foot limit prescribed
23 by section 16-515 in public areas and parking lots used by voters. This
24 subsection shall not be construed to permit the temporary or permanent
25 construction of structures in public areas and parking lots or the blocking
26 or other impairment of access to parking spaces for voters.

27 I. The secretary of state shall provide through the instructions and
28 procedures manual adopted pursuant to section 16-452 the maximum allowable
29 wait time for any election that is subject to section 16-204 and provide for
30 a method to reduce voter wait time at the polls in the primary and general
31 elections. The method shall consider at least all of the following for
32 primary and general elections in each precinct:

33 1. The number of ballots voted in the prior primary and general
34 elections.

35 2. The number of registered voters who voted early in the prior
36 primary and general elections.

37 3. The number of registered voters and the number of registered voters
38 who cast an early ballot for the current primary or general election.

39 4. The number of election board members and clerks and the number of
40 rosters that will reduce voter wait time at the polls.

41 J. THE BOARD OF SUPERVISORS OF A COUNTY SHALL NOT CHANGE PRECINCT
42 LINES DURING THE PERIOD AFTER JULY 31, 2008 AND BEFORE JANUARY 1, 2011. THE
43 BOARD OF SUPERVISORS MAY SUBDIVIDE AN ELECTION PRECINCT FOR ADMINISTRATIVE
44 PURPOSES OR MAY PROVIDE FOR MORE THAN ONE POLLING PLACE WITHIN THE BOUNDARIES
45 OF THE ELECTION PRECINCTS ESTABLISHED FOR USE IN VOTING IN ELECTIONS HELD

1 AFTER JULY 31, 2008 AND BEFORE JANUARY 1, 2011. IN PROVIDING FOR MULTIPLE
2 POLLING PLACES WITHIN A PRECINCT, THE BOARD OF SUPERVISORS SHALL CONSIDER THE
3 PARTICULAR POPULATION CHARACTERISTICS OF EACH PRECINCT IN ORDER TO PROVIDE
4 THE VOTERS THE MOST REASONABLE ACCESS TO THE POLLS POSSIBLE.

5 Sec. 2. Retroactivity

6 Section 16-411, Arizona Revised Statutes, as amended by this act,
7 applies retroactively to from and after July 31, 2008.

APPROVED BY THE GOVERNOR MAY 1, 2008.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 1, 2008.